

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EDWARD ALLEN STEWARD,  
Petitioner,  
v.  
RONALD FRAKER,  
Respondent

CASE NO. C10-5058 RBL

## ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING PETITION

The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Richard Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt. #'s 11, 13], and the remaining record, does hereby find and Order:

(1) The Court adopts the Report and Recommendation that three grounds for relief are unexhausted and procedurally barred and the remaining ground for relief is without merit. Further, none of the unexhausted grounds for relief would warrant relief if they had been properly exhausted;

(2) The petition for writ of habeas corpus is DENIED; and

(3) The Court declines to issue a certificate of appealability because petitioner has failed to make a “substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2).

(4) The Clerk is directed to send copies of this Order to petitioner and to counsel for respondent.

DATED this 2<sup>nd</sup> day of August, 2010.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE